

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

YAYA AKEEB ALESH,

Defendant.

DECISION AND ORDER
07-CR-228S

1. On December 10, 2007, this Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket No. 14.)

2. On September 9, 2008, Judge Schroeder filed a Report and Recommendation (Docket No. 30) recommending that Defendant's Motion to Suppress Evidence (Docket No. 8) be denied in part and granted in part.

3. Neither party has filed an objection to this Report and Recommendation, despite this Court twice having extended the time within which to do so. (Docket Nos. 33 and 35.)

4. This Court has thoroughly reviewed Judge Schroeder's Report and Recommendation and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation and will accept the recommendation that Defendant's Motion to Suppress be denied in part and granted in part.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report and Recommendation (Docket No. 30) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Motion to Suppress Evidence (Docket No. 8) is DENIED in part and GRANTED in part, consistent with Judge Schroeder's Report and Recommendation. The requests to suppress Defendant's pre- and post-Miranda statements and evidence obtained from the warrantless search of Defendant's vehicle are GRANTED. In all other respects, Defendant's motion is DENIED.

SO ORDERED.

Dated: January 28, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge